

ments), by amending Section 2-a thereof to hereafter read and provide that the requirements of House Bill No. 312, Acts, Forty-second Legislature, 1931, Chapter 163, with reference to notice, competitive bids, and the right to referendum shall not apply to cities and towns acting under authority of this Act, until after June 1, 1934, instead of after June 1, 1932, as provided in Section 11 of said House Bill No. 312, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

ROGERS of Hunt, Chairman.

#### FORTY-FOURTH DAY

(Continued)

(Tuesday, March 28, 1933)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Stevenson.

#### EXPRESSING APPRECIATION TO MEMBERS OF THE HOUSE

The Speaker laid before the House, and had read, the following communication:

Your kind expression of sympathy is gratefully acknowledged and deeply appreciated.

Signed—Mr. Sterling Emmens, and Mr. and Mrs. W. F. Patterson, Sr.

#### BILL RE-REFERRED

On motion of Mr. Goodman, House Bill No. 853 was withdrawn from the Judiciary Committee, and referred to the Committee on Criminal Jurisprudence.

#### CONFERENCE COMMITTEE REPORT ON SENATE CONCURRENT RESOLUTION NO. 12

Mr. Jones of Atascosa submitted the following conference committee report on Senate Concurrent Resolution No. 12:

Committee Room,  
Austin, Texas, March 24, 1933.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee on

S. C. R. No. 12, Granting J. W. Almond, Jr., permission to sue the State,

Have had the same under consideration, and have adjusted the differences between the House and the Senate; the House receding from its amendment, and recommend that the report be adopted.

Respectfully submitted,

REGAN,  
RAWLINGS,  
DUGGAN,  
MOORE,  
SMALL,

On the part of the Senate;

TOWNSEND,  
JONES of Atascosa,  
HEAD,  
GRAVES,  
McGREGOR,

On the part of the House.

On motion of Mr. Jones of Atascosa, the report was adopted.

#### HOUSE BILL NO. 447 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 447, A bill to be entitled "An Act defining 'public utilities,' and providing for their regulation, creating the Public Utilities Commission of this State, and fixing their qualifications and compensation, and prescribing their duties and powers, and the manner in which the jurisdiction herein conferred shall be exercised; providing penalties for the violation of this Act, and for the repeal of all laws and parts of laws in conflict herewith";

The bill having been read second time on yesterday, with committee amendment by Mr. Morse, pending.

Mr. Vaughan offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 447, page 20, line 15, by adding the following: "The Commission shall, without unreasonable delay, render the proper and necessary assistance to the municipality to adequately determine the proper facts and data necessary

for establishing proper rates, and the actual additional cost and expense to the Commission, and the Commission shall be reimbursed for the same by the municipality, and which facts and data shall be available to the Commission in case of an appeal to it."

The amendment was adopted.

Mr. Vaughan offered the following amendment to the committee amendment:

Amend committee amendment to House Bill No. 447, page 4, Article 2, by striking out the provision for a "Public Utility Commission of Texas," and substituting therefor "Utilities Division of the Railroad Commission," and re-writing the bill to conform to this amendment.

VAUGHAN,  
METCALFE,  
HUGHES,  
ROSS,  
VAN ZANDT.

Mr. Long offered the following substitute for the amendment by Mr. Vaughan:

Substitute for amendment to committee amendment to House Bill No. 447 by striking out Section 1, page 4, and insert the following:

#### "Article 2

"Section 1. A Commission to be known as the 'Utilities and Natural Resources Commission of Texas' is hereby created, and shall consist of three persons, who shall be appointed by the Governor of the State of Texas, and with the advice and consent of the Senate of Texas. The terms of office of the members of said Commission shall be for six years, except the first three members, who shall be appointed for terms to be designated by the Governor, as follows: One from the date of appointment until two years after the first of January following the day and date on which this Act shall become effective, or until his successor shall have been duly appointed and qualified; one from the date of appointment until four years after the first of January following the day and date on which this Act shall be-

come effective, or until his successor shall have been duly appointed and qualified; one from the date of appointment until six years after the first of January following the day and date on which this Act shall become effective, or until his successor shall have been duly appointed and qualified. The Governor shall designate one of the members of said Commission as chairman of the Commission. The members thereof shall be resident citizens of this State, qualified voters under the Constitution and laws of this State, and not less than 30 years of age."

Amend committee substitute for House Bill No. 447 by adding thereto, Article 8-a, reading as follows:

#### "Article 8-a

"Section 1. In addition to the jurisdiction, power, and authority herein expressly conferred upon the Public Utilities Commission of Texas, herein created, over gas utilities, as herein defined, there is hereby conferred upon said Commission all of the jurisdiction, power, and authority conferred upon the Railroad Commission under and by virtue of the provisions of Title 102, Revised Civil Statutes of Texas, 1925, and Chapter 36, Acts of 1930, Fifth Called Session of the Forty-first Legislature; Chapters 58 and 190, of the Acts of 1931, Forty-second Legislature, and Chapters 26 and 28, of the Acts of 1931, First Called Session of the Legislature, and Chapter 2, Acts of 1932, Fourth Called Session of the Forty-second Legislature, and said Railroad Commission is hereby divested of all the jurisdiction, power, and authority therein conferred, and all laws and parts of laws in conflict herewith are hereby expressly repealed, and the said Public Utilities Commission of Texas is hereby authorized and directed to exercise all of the jurisdiction, power, and authority, and to perform and discharge all the duties and responsibilities conferred upon said Railroad Commission by said Acts as fully and completely as if the same were originally conferred upon said Public Utilities Commission of Texas.

"Sec. 2. No order, or regulation, or rule of said Railroad Commission,

now in effect, relating to the provisions of said laws, is or shall be in anywise impaired by this Act, but the same shall remain and continue in full force and effect until changed, rescinded, modified, or altered by the Public Utilities Commission of Texas, or unless set aside by an order of a court of competent jurisdiction in the State of Texas.

"Sec. 3. Upon the qualification of the members of the Public Utilities Commission of Texas, the unexpended appropriations heretofore made to said Railroad Commission for the purposes of enforcing the above-mentioned provisions of the statutes of the State of Texas shall be transferred from said Railroad Commission of Texas to the Public Utilities Commission of Texas for the administration of said laws referred to in this Act.

"Sec. 4. It is hereby made the duty of said Railroad Commission to deliver all books, records, and papers in its possession, relating to the drilling of wells, permits therefor, conservation of crude oil, petroleum, and natural gas, the regulation of gas utilities, pipe lines, and common purchases of oil, together with any and all other data now in its possession pertaining to said subjects, to the said Public Utilities Commission of Texas, immediately after the organization of said Commission and the qualification of its members.

"Sec. 5. There is hereby levied a tax of one-eighth of one cent per barrel, of forty-two standard gallons, of crude petroleum produced within this State, which shall be in addition to, and collected in the same manner as, the present gross receipts production tax on crude petroleum. Producers of crude petroleum are hereby required to make reports of production in the same manner and under the same penalties as for the gross production tax. The tax thus collected shall be paid into the State Treasury as other revenues, and shall be paid out on warrants as other funds. The funds derived from this tax shall be used for the administration of this law by this Commission. Any yearly excess of the tax over and above the requirements of the Commission shall become a part of the general revenues of the State, but any deficiency in this fund

shall not be paid out of any other funds."

LONG,  
HOLLOWAY,  
LATHAM,  
RENFRO,  
TURLINGTON,  
DUNAGAN.

Question — Shall the substitute amendment by Mr. Long be adopted?

#### MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, March 28, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 80, A bill to be entitled "An Act amending Article 367, of the Texas Penal Code, relating to demanding and collecting illegal fees; and declaring an emergency."

S. B. No. 92, A bill to be entitled "An Act amending Article 6008 of the Revised Civil Statutes of 1925, as amended by Section 2, Chapter 26, of the Acts of the Forty-second Legislature, First Called Session, prohibiting the waste of gas by escape, and requiring the confinement thereof under the terms and conditions of said Article; providing for the utilization of gas containing hydrogen sulphide or other foreign substance, for purposes other than light or fuel, to the extent of 25 per cent of the open flow of the wells producing such gas; giving the Commission authority to permit such utilization in excess of 25 per cent of the open flow after hearing; and providing that such utilization shall not constitute waste; affixing penalty for violation thereof; repealing all laws in conflict therewith, and declaring an emergency."

S. B. No. 85, A bill to be entitled "An Act amending Article 1020, Texas Code of Criminal Procedure, relating to testimony in examining courts; providing for filing of such testimony with district clerks; providing for payment of fees to district clerks and county attorneys in examining trials; and declaring an emergency."

S. B. No. 436, A bill to be entitled "An Act amending Article 273, Code of Criminal Procedure of the State of Texas for 1925, by adding thereto

Subsection 6, providing that the bail bond of an accused shall be conditioned that the principal and sureties will pay all expenses incurred by peace officers in re-arresting the principal in the event the conditions of the bond are violated and he fails to appear before the court or magistrate on the day stated; that such expense shall be in addition to the principal amount of the bond; that the failure of the bond to contain the condition specified herein shall not affect its legality, but that the peace officer shall look only to the bondsmen for expenses incurred by him in re-arresting an accused who has violated the conditions of his bond; and declaring an emergency."

S. B. No. 438, A bill to be entitled "An Act to amend Article 47, Chapter 2, Title 1, Code of Criminal Procedure, so as to provide that when a district clerk fails, neglects, or refuses to make any report required of such officer by the Attorney General, that the Attorney General shall notify in writing the Comptroller of Public Accounts of such failure, neglect, or refusal, whereupon the Comptroller shall refuse to issue any warrant which may be due to such district clerk until such report is made, and declaring an emergency."

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

#### BILLS SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof, and their captions had been read severally, the following enrolled bills:

S. B. No. 164, "An Act to repeal Article 794, Penal Code of the Revised Statutes, which provides that the operators of motor vehicles, in passing each other on the State highways, shall slow down their speed to fifteen miles per hour; and declaring an emergency."

H. B. No. 327, "An Act amending Chapter 69, of the Acts of the Forty-second Legislature, Regular Session, providing for the taking of catfish, perch, buffalo, and drum, in the waters of Delta, Hopkins, or Franklin Counties, by hand, or with a seine having meshes one inch square, and declaring an emergency."

#### TO GRANT THE TIBBETTS CONSTRUCTION COMPANY PERMISSION TO SUE THE STATE

Mr. Duvall, by unanimous consent of the House, offered the following resolution:

H. C. R. No. 51, To grant the Tibbetts Construction Company permission to sue the State.

Whereas, On the sixth day of December, A. D. 1927, the Tibbetts Construction Company entered into a contract with the State of Texas, acting by and through its State Highway Commission and State highway engineer, for the construction of certain improvements in Franklin and Red River Counties, known and designated as jobs 81-B and 194-J, and being further designated as S. A. P. 743; the type of work being grading, filling, and topping with gravel of roads being built in the aforesaid Counties; and

Whereas, The Tibbetts Construction Company, acting and by virtue of said contract and in compliance with the terms and conditions thereof, commenced work on said construction, and further in compliance with terms and conditions of said contract, did construct, improve, and build the said roads in Franklin and Red River Counties, and completed said project in a workmanlike manner, and which was acceptable to the engineer of said Highway Department; and

Whereas, That in the execution of the aforesaid contract, entered into by and between the Tibbetts Construction Company and the State Highway Department, the said Tibbetts Construction Company was compelled to and did perform extra work not specified and provided for in the contract aforesaid, and as aforesaid did construct, improve, and build the said roads in the aforesaid Counties, and complied with all of the terms and conditions of said contract, and alleged that there is still due them thereunder certain sums; and

Whereas, Although the Legislature of the State of Texas does not admit that the Tibbetts Construction Company has a valid or just claim against the State Highway Commission, it is the sense of this Legislature that no citizen of this State, or of any other State, who has a valid or just claim against the State of Texas be de-

prived of his opportunity to establish and enforce such claim against the State, or any department thereof, by reason of any legal inhibition; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That:

Section 1. That Tibbetts Construction Company, a resident of the County of Tarrant, State of Texas, is hereby given and granted consent and permission to file suit against the Highway Commission of the State of Texas, as such Commission, and the State of Texas, in any State district court in Travis County, Texas. Said suit shall be based upon one certain purported contract entered into, signed, executed, and delivered by and between the State of Texas, acting by and through its State highway engineer and/or State Highway Commission, and the said Tibbetts Construction Company, on or about the sixth day of December, A. D. 1927.

Sec. 2. That the State of Texas and said Highway Commission, in case a judgment may be obtained by Tibbetts Construction Company, appeal from the said judgment, as provided by law for other parties, and the State and said Highway Commission shall not be required to execute any bond, and if a final judgment be recovered against the State of Texas or said State Highway Commission, the same shall be paid in full out of the State Highway Funds.

Sec. 3. Service in said cause shall be had by citing the Governor, the Chairman of the Highway Commission, and the Attorney General of the State of Texas, and the said service of citation shall have the same force and effect as is provided by law for service in civil cases.

DUVALL,  
SHANNON.

The resolution was read second time, and was referred, by the Speaker, to the Committee on State Affairs.

#### CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 376

Mr. Patterson submitted the following conference committee report on House Bill No. 376:

Committee Room,  
Austin, Texas, March 21, 1933.

Hon. Edgar E. Witt, President of the Senate, and Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your conference committee, appointed to adjust the differences between the Senate and the House of Representatives on

H. B. No. 376, A bill to be entitled "An Act creating the office of county purchasing agent in certain counties; fixing his term of office, and providing for the commissioners court to adopt the system of rules for said office; providing for the removal of said officers, and fixing his salary; providing for assistants, and fixing their salary; providing for a bond, and fixing the amount, and prescribing the duties of the purchasing agent; placing said agent under the supervision of the purchasing committee of the commissioners court; providing for the manner of purchasing by competitive bids, and making exceptions thereto; providing for the payment of claims on the contracts made by the purchasing agent, and providing for the records to be kept by said agent of all equipment, tools, and supplies owned by the county, and for the filing of an annual report to the county auditor, and empowering the agent to apportion and adjust all equipment and supplies between the county employes or departments; fixing the liability of the purchasing agent under the prescribed duties of his office, and providing for department heads to account for all properties of said county under the control of said department; providing for the retirement of obsolete equipment or tools, and the disposition of such under the supervision of the commissioners court; prohibiting county officers of said county being financially interested, directly or indirectly, in any contract with said county, except his own salary; fixing a penalty for violation thereof, and fixing the penalty for violation of any other provision of this Act; providing for all fines and penalties provided for in this Act, and all other monies collected by virtue of this Act to be paid into the general fund; providing for the judges of the criminal district courts to especially charge the grand jury on provisions of this Act, and providing for judicial cog-

nizance without proof or pleading of the provisions of this Act; making this Act cumulative of all general laws of the subjects embraced in this Act, if not in conflict herewith; and providing that if any part of this Act is unconstitutional, the remaining portions shall be valid; and repealing all laws or parts of laws in conflict with the terms and provisions of this Act; and declaring an emergency,"

Begin to say that the differences have been adjusted, and we recommend the adoption of the new bill herewith submitted:

"H. B. No. 376,

# A BILL

## To Be Entitled

An Act creating the office of county purchasing agent in certain counties; fixing his term of office, and providing for the commissioners court to adopt the system of rules for said office; providing for the removal of said officers, and fixing his salary; providing for assistants, and fixing their salary; providing for a bond, and fixing the amount, and prescribing the duties of the purchasing agent; placing said agent under the supervision of the purchasing committee of the commissioners court; providing for the manner of purchasing by competitive bids, and making exceptions thereto; providing for the payment of claims on the contracts made by the purchasing agent, and providing for the records to be kept by said agent of all equipment, tools, and supplies owned by the county, and for the filing of an annual report to the county auditor, and empowering the agent to apportion and adjust all equipment and supplies between the county employes or departments; fixing the liability of the purchasing agent under the prescribed duties of his office, and providing for department heads to account for all properties of said county under the control of said department; providing for the retirement of obsolete equipment or tools, and the disposition of such under the supervision of the commissioners court; prohibiting county officers of said county being financially interested, directly or indirectly, in any contract with said county, except his own salary; fixing a pen-

alty for violation thereof, and fixing the penalty for violation of any other provision of this Act; providing for all fines and penalties provided for in this Act, and all other moneys collected by virtue of this Act, to be paid into the General Fund; providing for the judges of the criminal district courts to especially charge the grand jury on provisions of this Act, and providing for judicial cognizance without proof or pleading of the provisions of this Act; making this Act cumulative of all general laws of the subjects embraced in this Act, if not in conflict herewith; and providing that if any part of this Act is unconstitutional, the remaining portions shall be valid; and repealing all laws or parts of laws in conflict with the terms and provisions of this Act; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. In all counties of this State, having a population of more than one hundred and sixty thousand (160,000) inhabitants, and less than two hundred and thirty thousand (230,000) inhabitants, according to the last preceding Federal Census, and wherein is situated an incorporated city, having a population in excess of one hundred thousand (100,000) inhabitants, according to the last preceding Federal Census, the district judges of said counties, shall appoint a suitable person who shall act as the county purchasing agent for such counties, who shall hold his office at the pleasure of the district judges of such counties, or a majority thereof.

It shall be the duty of the commissioners court to record in the minute book of said court a system for purchasing of equipment, materials, tools, and supplies for the use of said counties; said meeting of the commissioners court shall be held on or before the fifteenth day of January, each year, and no purchases of any equipment, tools, materials, or supplies shall be made prior to the adoption of said rules of such a system.

Sec. 2. The purchasing agent may be removed from office by a majority vote of the district judges of said counties, provided such purchasing agent shall fail to properly discharge the duties of said office.

Sec. 3. The purchasing agent shall receive as compensation, from the second class road and bridge fund, a sum not to exceed three thousand dollars (\$3,000), and not less than twenty-four hundred dollars (\$2,400) annually, such compensation to be fixed by the commissioners court, and shall devote his entire time to the performance of said duties, and shall not receive, nor shall he, directly or indirectly, be the beneficiary of, any gifts, loans, donations, or compensation from any other source, in any manner whatsoever, connected or associated with any agency, producing, manufacturing, or selling any equipment, tools, materials, or supplies of any kind or character whatsoever.

Sec. 4. The purchasing agent shall, before taking office, take the oath of office and make bond in the sum of ten thousand dollars (\$10,000), with a surety company authorized to do business in the State of Texas, as surety, payable to the county judge or his successors in office, in trust for said counties, said bond to be approved by the commissioners court of said counties; conditioned that such purchasing agent will faithfully and honestly perform the duties of his office, and in due time will account for moneys and other property that may come into his hands as such purchasing agent.

Sec. 5. The purchasing agent may employ, on the approval of district judges of said counties, one assistant, at a salary not to exceed fifteen hundred dollars (\$1,500) annually, the compensation of the purchasing agent and such assistant so appointed shall be fixed by said commissioners court of said counties, not to exceed the maximum herein provided, and said compensation shall be paid from the road and bridge fund of the counties.

Sec. 6. Said purchasing agent shall, under the direction of the purchasing committee of the commissioners court, and subject to the provisions of this Act, purchase all equipment, tools, materials, and supplies, of any nature whatsoever, for and on behalf of said counties.

Sec. 6-a. Purchases of one hundred dollars (\$100), or more, shall not be made unless and until competitive bids have been solicited by and/or through advertisements in one or more local newspapers, or by posting

a notice to prospective bidders, on a conspicuous bulletin board, especially for said purpose, located in the corridor at or near the main entrance to the courthouse; said advertisement or posting shall be done at least one week in advance, and if by posting, said posting shall be at least one week and continue for and through seven consecutive days, in advance of said purchase.

Notice to prospective bidders shall contain a general description of the article or articles to be purchased, the quantity, the place, the date upon which and the time when the bids will be opened and read, and said notice shall contain instructions concerning where and from whom information may be obtained relative to specifications, etc. Prior to the issuance of "notice to the prospective bidders," by advertising or posting, the purchasing agent shall prepare for, and furnish to all prospective bidders specifications, proposal sheets, or bidding blanks, contract and bond forms, in self-addressed envelope, addressed to the purchasing agent.

Specifications shall definitely and rigidly stipulate, and clearly describe, the class and quality of the article or articles to be purchased, and shall fix the basis of payment.

The proposal or bidding blank prepared by the purchasing agent shall specify the conditions and terms upon which the prospective bidder will furnish the article or articles in compliance with the notice to prospective bidders and the specifications, and shall contain a general description of the article or articles, specify the unit, and quantity, and provide a blank space for the prospective bidder to insert the unit price bid, in figures and in words. The proposal shall require that all unit prices shall be submitted in ink, and shall provide that, any additions, changes, alterations, or the addition of special provisions to, or any erasures on, the proposal, made by the bidder, will disqualify such bidder, and any of the foregoing shall automatically disqualify the bidder.

When the contract form shall specify the terms of agreement, based on the specifications and the price bid on units in the proposal, the bond form shall provide for the true and faithful performance of the contract by the bidder. The contract and bond form may be omitted at the discretion of the commissioners court.

Sec. 6-b. Purchases of less than one hundred dollars (\$100) shall not be made unless and until competitive prices have been solicited, received in sealed envelopes, tabulated, and referred to the purchasing committee for approval, and such approval shall be stated in writing, save and except in the case of an extreme emergency when delay would occasion a loss in time or money to said counties, in which event, the purchasing agent may, on his own initiative, make such emergency purchases, but shall so inform the commissioners court through the purchasing committee, in writing, stating the cause and necessity for such purchase. Providing however, that the authority herein vested in said purchasing agent shall not be construed to permit the separation of purchases into units to come within the provisions of this Section to avoid the requirements and provisions of Section 6-a.

Sec. 7. No claims for payment of equipment, tools, materials, or supplies shall be paid from any county funds, unless such purchases have been contracted for by the purchasing agent; and it is hereby made his duty to see that no claim for such payment is approved or account paid unless and until the counties have received the quantity and quality of equipment, tools, materials, or supplies lawfully contracted for.

Sec. 8. It shall be the duty of the purchasing agent to check and list all equipment, tools, materials, and supplies owned by the counties and to prepare and keep an inventory of such articles. He shall prepare and file with the county auditor, on the first day of March, of each year, a complete and itemized inventory of all such equipment, tools, materials, and supplies; said inventory shall contain a description and classification of each article, its location, original cost, and present value.

Sec. 9. The purchasing agent shall be the custodian of all equipment, tools, materials, furniture, and supplies owned by said counties, and is hereby empowered to re-adjust, re-apportion, and distribute any and all articles aforementioned when and where such re-adjustment, re-apportionment, and distribution will obviate the purchase of additional equipment, tools, materials, furniture, and supplies, and when such re-adjust-

ment, etc., will not impair the efficiency of any county employe or department. Provided, however, that this Section shall not apply to the custody and control of machinery, equipment, trucks, cars, teams, wagons, harness, tools, supplies, materials, and other property that is now, or may be hereafter, used in connection with the maintenance, repairs, drainage, or construction of the county roads of said counties.

Sec. 9-a. The purchasing agent shall be held liable for all such equipment, tools, materials, furniture, and supplies of which he is the custodian under the terms of this Act, owned by said counties, and shall not issue same until properly requisitioned by the head of the department in which it is to be used, and shall obtain a receipt therefor when so issued to any employe or department, and is hereby authorized to charge to, and collect from, the one to whom the article was issued the value of any such article which may be missing, and which can not be properly accounted for. The purchasing agent shall charge to, and collect from, the department head, any unusual damage to the property of said counties not caused by usual or ordinary wear or use.

Sec. 9-b. When any equipment or tools become unusable, either from wear or by becoming obsolete, the purchasing agent shall so inform the purchasing committee in writing, and, when instructed by the commissioners court, shall dispose of such equipment or tools, in the manner prescribed by said court; when so disposed of, said agent shall prepare a retirement order which shall state in detail all the facts incident to such disposal, and said retirement order shall become a part of the records of the yearly inventory.

Sec. 10. It shall be unlawful for any member of said commissioners court, for any officer or employe of said counties to be or become financially interested, directly or indirectly, in any contract with said counties for the purchase or sale of any equipment, tools, materials, or supplies of any character, or in any transaction whatsoever, in connection with any purchase for said counties, excepting only his own salary. If any such county commissioner, or such officer, or employe shall wilfully



violate any of the foregoing provisions of this Section, he shall be deemed guilty of a malfeasance in office, and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars (\$500), nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail of said counties for not more than one year, or by both such fine and imprisonment; and, upon conviction, in addition to the penalty herein provided, the office of such officer shall automatically become vacant. If any member of said commissioners court, or any such officer, shall wilfully violate any of the other provisions of this Act, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment in the county jail of said counties for not more than six (6) months, or by both said fine and imprisonment.

Sec. 11. All fines for any and all violations of any of the provisions of this Act, and any and all monies which may be collected by or on behalf of said counties, on, under, or by virtue of any contract which may be executed under the provisions of this Act, shall be applied to the general fund of said counties.

Sec. 12. The judge of the criminal district court of said counties shall, at each term of court, specially give this Act in charge of the grand jury of said counties.

Sec. 13. This Act is, and shall be held and construed to be, a public act of which the courts shall take cognizance without proof thereof; and in any court proceedings wherein the provisions of this Act are drawn in question, the necessity for pleading or proving the same is hereby dispensed with.

Sec. 14. The provisions of this Act are, and shall be held and construed to be, cumulative of all general laws of this State on the subjects treated of and embraced in this Act, when not in conflict herewith, but in case of such conflict, in whole or in part, this Act shall control as to said counties.

Sec. 15. If any section, subdivision, paragraph, sentence, clause, or word of this Act be held to be unconstitutional, the remaining portions of same shall, nevertheless, be valid; and it is

declared that such remaining portions should have been included in this Act as though the unconstitutional portions had been omitted.

Sec. 16. Any and all laws and parts of laws in conflict with any of the terms or provisions of this Act, shall be, and the same are hereby, repealed.

Sec. 17. The fact that many counties are now operating under a purchasing system that is not in all respects adequate to the needs of growing counties, and the importance of this measure to the people thereof, creates an emergency and an imperative public necessity that the constitutional rule, requiring bills to be read on three several days in each House, be, and the same is hereby, suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,

COLLIE,  
HORNSBY,  
PACE,  
REGAN,

On the part of the Senate;

SHANNON,  
PATTERSON,  
DUVALL,  
MOORE,

On the part of the House.

On motion of Mr. Patterson, the report was adopted by the following vote:

Yeas—116

Alexander.	Dunagan.
Alsup.	Engelhard.
Anderson	Fain.
of Johnson.	Few.
Baker.	Fisher.
Barrett.	Fuchs.
Barron.	Glass.
Bedford.	Golson.
Bourne.	Good.
Burns.	Goodman.
Calvert.	Graves.
Camp.	Greathouse.
Canon.	Griffith.
Cathey.	Haag.
Caven.	Hankamer.
Chastain.	Harris.
Colson.	Harrison.
Cowley.	Hester.
Crossley.	Hicks.
Daniel.	Hill of Webb.
Dean.	Hodges.
Devall.	Holekamp.
Dunlap.	Holland.

Holloway.	Pavlica.
Hoskins.	Puryear.
Hughes.	Ratliff.
Hunt.	Ray.
Jackson.	Reed of Bowie.
James.	Reed of Dallas.
Jefferson.	Riddle.
Jones of Atascosa.	Roberts.
Jones of Runnels.	Rogers of Hunt.
Jones of Shelby.	Rogers
Kayton.	of Ochiltree.
Kyle of Palo Pinto.	Rollins.
Laird.	Ross.
Latham.	Russell.
Leonard.	Savage.
Lindsey.	Scarborough.
Long.	Scott.
Lotief.	Shannon.
Magee.	Shults.
Mackay.	Smith.
Mathis.	Stanfield.
McClain.	Stinson.
McCullough.	Stovall.
McDougald.	Sullivan.
McGregor.	Tarwater.
Merritt.	Tennyson.
Metcalfe.	Thomas.
Mitcham.	Tillery.
Moffett.	Townsend.
Moore.	Van Zandt.
Morrison.	Vaughan.
Morse.	Wagstaff.
Munson.	Walker.
Nicholson.	Winningham.
Palmer.	Wood.
Patterson.	Young.

## Nays—1

Renfro.

## Present—Not Voting

Aikin.	McKee.
Kyle of Hays.	Turlington.

## Absent

Adamson.	Head.
Anderson	Huddleston.
of Bexar.	Hyder.
Beck.	Johnson
Bradley.	of Anderson.
Butler.	Lemens.
Clayton.	Parkhouse.
Coombes.	Pope.
Davidson.	Ramsey.
Duvall.	Reader.
Dwyer.	Steward.
Ford.	Weinert.
Harman.	Wells.
Hartzog.	West.

## Absent—Excused

Hill of Brazoria.	Johnson
	of Dimmit.

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, March 28, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate  
to inform the House that the Senate  
has passed

S. B. No. 472, A bill to be entitled  
"An Act making appropriations for  
the support and maintenance of sum-  
mer schools during the summer of the  
year 1933 at the several State institu-  
tions of higher learning in the State  
of Texas, authorizing the expenditure  
by said institutions of certain addi-  
tional amounts from fees collected  
from summer school students; and de-  
claring an emergency."

Respectfully,  
**BOB BARKER,**  
Secretary of the Senate.

SENATE BILLS ON FIRST  
READING

The following Senate bills, received  
from the Senate today, were laid be-  
fore the House, read severally first  
time, and referred to the appropriate  
committees, as follows:

Senate Bill No. 80, to the Commit-  
tee on Criminal Jurisprudence.

Senate Bill No. 85, to the Commit-  
tee on Criminal Jurisprudence.

Senate Bill No. 92, to the Commit-  
tee on Oil, Gas, and Mining.

Senate Bill No. 436, to the Commit-  
tee on Criminal Jurisprudence.

Senate Bill No. 438, to the Commit-  
tee on Criminal Jurisprudence.

Senate Bill No. 472, to the Commit-  
tee on Appropriations.

## RECESS

On motion of Mr. Rogers of Hunt,  
the House, at 12 o'clock m., took re-  
cess to 2 o'clock p. m., today.

## AFTERNOON SESSION

The House met at 2 o'clock p. m.,  
and was called to order by the  
Speaker.

AUTHORIZING THE CORRECTION  
OF CAPTION OF HOUSE  
BILL NO. 7

Mrs. Hughes offered the following  
resolution:

H. C. R. No. 52, Authorizing the correction of caption of House Bill No. 7.

Whereas, House Bill No. 7 has passed the House and Senate; and

Whereas, The caption of said bill should be amended to conform to the body of the bill; therefore, be it

Resolved by the House, the Senate concurring, That the Enrolling Clerk of the House be directed to amend the caption of said bill so as to conform to the body of the bill.

The resolution was read second time, and was adopted.

#### HOUSE BILL NO. 447 ON PASSAGE TO ENGROSSMENT

The House resumed consideration of pending business, same being House Bill No. 447, relative to creating a Public Utilities Commission, on its passage to engrossment;

The bill having heretofore been read second time, with committee amendment by Mr. Morse, amendment by Mr. Vaughan to the committee amendment, and substitute by Mr. Long for the amendment by Mr. Vaughan, pending.

Mr. Barron moved a call of the House for the purpose of maintaining a quorum, pending consideration of House Bill No. 447, and the call was duly seconded.

Question recurring on the motion for the call of the House, it was lost.

Mr. Reader moved the previous question on the pending amendments and the bill, and the motion was not seconded.

Mr. Greathouse moved a call of the House for the purpose of maintaining a quorum, pending consideration of House Bill No. 447, and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—56

Aikin.	Dunagan.
Alsup.	Duvall.
Barrett.	Fain.
Barron.	Fisher.
Bedford.	Glass.
Bourne.	Greathouse.
Bradley.	Harris.
Chastain.	Hester.
Crossley.	Hodges.

Holekamp.	Rollins.
Holloway.	Ross.
Huddleston.	Scarborough.
Hunt.	Scott.
Kyle of Hays.	Shannon.
Latham.	Shults.
Lindsey.	Stanfield.
Magee.	Steward.
Mathis.	Stinson.
McClain.	Tennyson.
McCullough.	Thomas.
McDougald.	Townsend.
Moore.	Turlington.
Morse.	Wagstaff.
Pavlica.	Walker.
Reader.	Weinert.
Reed of Bowie.	Wells.
Riddle.	Winningham.
Rogers of Hunt.	Young.

Nays—58

Adamson.	Jackson.
Alexander.	James.
Anderson	Johnson
of Johnson.	of Anderson.
Baker.	Jones of Atascosa.
Beck.	Jones of Runnels.
Burns.	Jones of Shelby.
Calvert.	Laird.
Canon.	Lemens.
Caven.	Mackay.
Coombes.	Metcalfe.
Cowley.	Morrison.
Daniel.	Munson.
Dean.	Nicholson.
Devall.	Palmer.
Dunlap.	Puryear.
Dwyer.	Ramsey.
Engelhard.	Ratliff.
Few.	Ray.
Golson.	Rogers
Goodman.	of Ochiltree.
Graves.	Russell.
Griffith.	Smith.
Haag.	Stovall.
Hankamer.	Sullivant.
Hicks.	Tarwater.
Hill of Webb.	Tillery.
Holland.	Van Zandt.
Hoskins.	Vaughan.
Hughes.	Wood.
Hyder.	

Present—Not Voting

Clayton.	Harman.
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Absent

Anderson	Good.
of Bexar.	Harrison.
Butler.	Hartzog.
Camp.	Head.
Cathey.	Jefferson.
Colson.	Kayton.
Davidson.	Kyle of Palo Pinto.
Ford.	Leonard.
Fuchs.	Long.

Lotief.	Patterson.
McGregor.	Pope.
McKee.	Reed of Dallas.
Merritt.	Renfro.
Mitcham.	Roberts.
Moffett.	Savage.
Parkhouse.	West.

## Absent—Excused

Hill of Brazoria.	Johnson of Dimmit.
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Mr. Reed of Dallas moved a call of the House, for the purpose of maintaining a quorum, pending consideration of House Bill No. 447, and the call was duly seconded.

Question recurring on the motion for the call of the House, yeas and nays were demanded.

The roll of the House was called, and the vote announced as follows: Yeas, 62; nays, 61.

Mr. Metcalfe called for a verification of the vote.

The roll of the yeas and nays was then called, and the verified vote announced as follows:

## Yeas—61

Aikin.	Mathis.
Alsup.	McClain.
Baker.	McCullough.
Barrett.	Moore.
Barron.	Morse.
Bedford.	Munson.
Bourne.	Parkhouse.
Bradley.	Patterson.
Crossley.	Pavlica.
Dunagan.	Ray.
Duvall.	Reader.
Fain.	Reed of Bowie.
Fisher.	Reed of Dallas.
Fuchs.	Rollins.
Good.	Scarborough.
Greathouse.	Scott.
Hartzog.	Shannon.
Hodges.	Stanfield.
Holloway.	Steward.
Huddleston.	Stinson.
Hunt.	Tennyson.
Jones of Runnels.	Thomas.
Kayton.	Townsend.
Kyle of Hays.	Turlington.
Kyle of Palo Pinto.	Wagstaff.
Latham.	Walker.
Lemens.	Weinert.
Lindsey.	Wells.
Long.	Winningham.
Magee.	Young.
Mackay.	

## Nays—59

Adamson.	Alexander.
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Anderson of Bexar.	Hughes.
Anderson of Johnson.	Jackson.
Burns.	James.
Calvert.	Jefferson.
Canon.	Johnson of Anderson.
Cathey.	Jones of Atascosa.
Caven.	Laird.
Chastain.	Merritt.
Colson.	Metcalfe.
Coombes.	Moffett.
Cowley.	Morrison.
Daniel.	Nicholson.
Davidson.	Palmer.
Dean.	Pope.
Devall.	Purveyer.
Dwyer.	Ramsey.
Engelhard.	Ratliff.
Few.	Rogers of Ochiltree.
Golson.	Ross.
Goodman.	Russell.
Griffith.	Shults.
Haag.	Stovall.
Hankamer.	Sullivant.
Harris.	Tarwater.
Harrison.	Tillery.
Hicks.	Van Zandt.
Hill of Webb.	Vaughan.
Holland.	West.
Hoskins.	

## Present—Not Voting

Clayton.	Graves.
Glass.	Harman.

## Absent

Beck.	McDougald.
Butler.	McGregor.
Camp.	McKee.
Dunlap.	Mitcham.
Ford.	Renfro.
Head.	Riddle.
Hester.	Roberts.
Holekamp.	Rogers of Hunt.
Hyder.	Savage.
Jones of Shelby.	Smith.
Leonard.	Wood.
Lotief.	

## Absent—Excused

Hill of Brazoria.	Johnson of Dimmit.
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The Speaker announced that the motion prevailed.

Mr. Patterson moved to reconsider the vote by which the call of the House was ordered, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

## Yeas—36

Adamson.	McCullough.
Alsup.	McDougald.
Baker.	Morse.
Barron.	Parkhouse.
Canon.	Patterson.
Crossley.	Pavlica.
Fain.	Reader.
Fisher.	Reed of Dallas.
Good.	Rollins.
Greathouse.	Scott.
Hartzog.	Shannon.
Kyle of Hays.	Stinson.
Kyle of Palo Pinto.	Tennyson.
Laird.	Turlington.
Latham.	Wagstaff.
Long.	Walker.
Magee.	Weinert.
Mathis.	Wells.

## Nays—89

Aikin.	Hunt.
Alexander.	Hyder.
Anderson	Jackson.
of Bexar.	James.
Anderson	Jefferson.
of Johnson.	Johnson
Barrett.	of Anderson.
Bourne.	Jones of Atascosa.
Beck.	Jones of Runnels.
Bedford.	Kayton.
Bradley.	Lemens.
Burns.	Lotief.
Calvert.	Mackay.
Camp.	McKee.
Cathey.	Merritt.
Caven.	Metcalf.
Chastain.	Mitcham.
Coombes.	Moffett.
Cowley.	Morrison.
Daniel.	Munson.
Davidson.	Nicholson.
Dean.	Palmer.
Devall.	Pope.
Dunlap.	Puryear.
Dunagan.	Ramsey.
Dwyer.	Ratliff.
Engelhard.	Ray.
Few.	Reed of Bowie.
Glass.	Rogers of Hunt.
Golson.	Rogers
Goodman.	of Ochiltree.
Haag.	Ross.
Hankamer.	Russell.
Harris.	Scarborough.
Hester.	Shults.
Hicks.	Smith.
Hill of Webb.	Stanfield.
Hodges.	Steward.
Holekamp.	Stovall.
Holland.	Sullivant.
Holloway.	Tarwater.
Hoskins.	Thomas.
Huddleston.	Tillery.
Hughes.	Townsend.

Van Zandt.  
Vaughan.  
West.

Winningham.  
Wood.  
Young.

## Absent

Butler.	Jones of Shelby.
Clayton.	Leonard.
Colson.	Lindsey.
Duvall.	McClain.
Ford.	McGregor.
Fuchs.	Moore.
Graves.	Renfro.
Griffith.	Riddle.
Harman.	Roberts.
Harrison.	Savage.
Head.	

## Absent—Excused

Hill of Brazoria. Johnson  
of Dimmit.

Question then recurring on the motion to reconsider the vote by which the call of the House was ordered, yeas and nays were demanded.

The motion to reconsider prevailed by the following vote:

## Yeas—85

Adamson.	Hicks.
Alexander.	Hill of Webb.
Anderson	Hodges.
of Bexar.	Holekamp.
Anderson	Holland.
of Johnson.	Holloway.
Barrett.	Hoskins.
Beck.	Huddleston.
Bradley.	Hughes.
Burns.	Hyder.
Calvert.	Jackson.
Camp.	James.
Canon.	Jefferson.
Cathey.	Johnson
Caven.	of Anderson.
Chastain.	Jones of Atascosa.
Colson.	Jones of Runnels.
Coombes.	Laird.
Cowley.	Lemens.
Crossley.	Lotief.
Daniel.	McKee.
Davidson.	Merritt.
Dean.	Metcalf.
Devall.	Moffett.
Dunlap.	Morrison.
Duvall.	Nicholson.
Dwyer.	Palmer.
Engelhard.	Pope.
Few.	Puryear.
Golson.	Ramsey.
Goodman.	Ratliff.
Griffith.	Renfro.
Haag.	Rogers of Hunt.
Hankamer.	Rogers
Harris.	of Ochiltree.
Hester.	Rollins.

Ross.  
Russell.  
Scarborough.  
Shannon.  
Shults.  
Smith.  
Stanfield.  
Steward.  
Stovall.

Sullivan.  
Tarwater.  
Thomas.  
Tillery.  
Van Zandt.  
Vaughan.  
West.  
Wood.

## Nays—47

Aikin.  
Alsup.  
Baker.  
Barron.  
Bedford.  
Bourne.  
Dunagan.  
Fain.  
Fisher.  
Fuchs.  
Glass.  
Good.  
Greathouse.  
Hartzog.  
Hunt.  
Kayton.  
Kyle of Hays.  
Kyle of Palo Pinto.  
Latham.  
Lindsey.  
Long.  
Magee.  
Mackay.  
Mathis.

McClain.  
McCullough.  
McGregor.  
Moore.  
Morse.  
Munson.  
Parkhouse.  
Patterson.  
Pavlica.  
Ray.  
Reader.  
Reed of Bowie.  
Reed of Dallas.  
Scott.  
Stinson.  
Tennyson.  
Turlington.  
Wagstaff.  
Walker.  
Weinert.  
Wells.  
Winningham.  
Young.

## Absent

Butler.  
Clayton.  
Ford.  
Graves.  
Harman.  
Harrison.  
Head.  
Jones of Shelby.

Leonard.  
McDougald.  
Mitcham.  
Riddle.  
Roberts.  
Savage.  
Townsend.

## Absent—Excused

Hill of Brazoria. Johnson  
of Dimmit.

Question then recurring on the motion for the call of the House, yeas and nays were demanded.

The motion was lost by the following vote:

## Yeas—41

Aikin.  
Alsup.  
Baker.  
Barron.  
Bedford.  
Bourne.  
Dunagan.  
Fain.  
Fisher.  
Good.  
Greathouse.  
Hartzog.  
Hunt.  
Kayton.  
Kyle of Hays.  
Kyle of Palo Pinto.  
Latham.  
Long.

Magee.  
Mathis.  
McClain.  
McCullough.  
Munson.  
Parkhouse.  
Patterson.  
Pavlica.  
Ray.  
Reader.  
Reed of Bowie.  
Reed of Dallas.

Rollins.  
Scott.  
Steward.  
Stinson.  
Tennyson.  
Turlington.  
Wagstaff.  
Walker.  
Weinert.  
Wells.  
Young.

## Nays—90

Adamson.  
Alexander.  
Anderson  
of Bexar.  
Anderson  
of Johnson.  
Barrett.  
Beck.  
Bradley.  
Burns.  
Calvert.  
Camp.  
Canon.  
Caven.  
Chastain.  
Coombes.  
Cowley.  
Crossley.  
Daniel.  
Davidson.  
Dean.  
Devall.  
Dunlap.  
Duvall.  
Dwyer.  
Engelhard.  
Few.  
Fuchs.  
Glass.  
Golson.  
Goodman.  
Griffith.  
Haag.  
Hankamer.  
Harris.  
Hester.  
Hicks.  
Hill of Webb.  
Hodges.  
Holekamp.  
Holland.  
Holloway.  
Hoskins.  
Huddleston.  
Hughes.  
Hyder.  
Jackson.

James.  
Jefferson.  
Johnson  
of Anderson.  
Jones of Atascosa.  
Jones of Runnels.  
Laird.  
Lemens.  
Lindsey.  
Lotief.  
Mackay.  
McGregor.  
McKee.  
Merritt.  
Metcalf.  
Mitcham.  
Moffett.  
Moore.  
Morrison.  
Morse.  
Nicholson.  
Palmer.  
Pope.  
Purvey.  
Ramsey.  
Ratliff.  
Renfro.  
Rogers of Hunt.  
Rogers  
of Ochiltree.  
Ross.  
Russell.  
Scarborough.  
Shannon.  
Shults.  
Smith.  
Stanfield.  
Stovall.  
Sullivan.  
Tarwater.  
Thomas.  
Tillery.  
Van Zandt.  
Vaughan.  
West.  
Winningham.  
Wood.

## Absent

Butler.  
Cathey.  
Clayton.

Colson.  
Ford.  
Graves.

Harman.	McDougald.
Harrison.	Riddle.
Head.	Roberts.
Jones of Shelby.	Savage.
Leonard.	Townsend.

## Absent—Excused

Hill of Brazoria.	Johnson of Dimmit.
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Mr. Vaughan moved the previous question on the pending amendments, amendments on the Speaker's desk, and the bill, and the motion was not seconded.

Mr. Long moved the previous question on the pending amendment by Mr. Vaughan and the substitute amendment by Mr. Long, and the main question was ordered.

Question first recurring on the substitute amendment by Mr. Long, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—57

Anderson of Bexar.	McDougald.
Barron.	McGregor.
Cathey.	Mitcham.
Coombes.	Moore.
Cowley.	Morse.
Crossley.	Nicholson.
Dunlap.	Parkhouse.
Dunagan.	Patterson.
Griffith.	Pavlica.
Hartzog.	Ramsey.
Hill of Webb.	Ray.
Holloway.	Reader.
Hoskins.	Reed of Dallas.
Hyder.	Renfro.
Jackson.	Riddle.
Jefferson.	Russell.
Jones of Atascosa.	Scarborough.
Jones of Shelby.	Shannon.
Kayton.	Smith.
Kyle of Hays.	Steward.
Kyle of Palo Pinto.	Stinson.
Laird.	Tennyson.
Latham.	Tillery.
Long.	Turlington.
Mackay.	Wagstaff.
Mathis.	Walker.
McClain.	Wells.
McCullough.	Winningham.
	Young.

## Nays—80

Adamson.	Baker.
Aikin.	Barrett.
Alexander.	Beck.
Alsup.	Bedford.
Anderson of Johnson.	Bourne.
	Bradley.

Burns.	Johnson of Anderson.
Calvert.	Jones of Runnels.
Canon.	Lemens.
Caven.	Lindsey.
Chastain.	Lotief.
Clayton.	Magee.
Daniel.	McKee.
Davidson.	Merritt.
Dean.	Metcalfe.
Devall.	Moffett.
Duvall.	Morrison.
Dwyer.	Munson.
Fain.	Palmer.
Few.	Pope.
Fisher.	Puryear.
Golson.	Ratliff.
Good.	Reed of Bowie.
Goodman.	Rogers of Hunt.
Graves.	Rogers of Ochiltree.
Greathouse.	Rollins.
Haag.	Ross.
Hankamer.	Scott.
Harman.	Shults.
Harris.	Stanfield.
Harrison.	Stovall.
Head.	Sullivant.
Hester.	Tarwater.
Hicks.	Thomas.
Hodges.	Townsend.
Holekamp.	Van Zandt.
Holland.	Vaughan.
Huddleston.	Weinert.
Hughes.	West.
Hunt.	Wood.
James.	

## Present—Not Voting

Glass.

## Absent

Butler.	Fuchs.
Camp.	Leonard.
Colson.	Roberts.
Engelhard.	Savage.
Ford.	

## Absent—Excused

Hill of Brazoria.	Johnson of Dimmit.
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Question recurring on the amendment by Mr. Vaughan, it was adopted by the following vote:

## Yeas—70

Adamson.	Burns.
Aikin.	Calvert.
Alexander.	Camp.
Alsup.	Canon.
Anderson of Johnson.	Caven.
Baker.	Chastain.
Barrett.	Coombes.
Bedford.	Daniel.
Bourne.	Davidson.
	Dean.

Dwyer.	Merritt.
Fain.	Metcalf.
Few.	Moffett.
Fisher.	Morrison.
Golson.	Munson.
Good.	Palmer.
Goodman.	Puryear.
Graves.	Ratliff.
Greathouse.	Riddle.
Haag.	Rogers of Hunt.
Harman.	Rogers
Harris.	of Ochiltree.
Harrison.	Rollins.
Head.	Ross.
Hester.	Scott.
Hodges.	Shults.
Huddleston.	Stanfield.
Hughes.	Stovall.
Hunt.	Sullivant.
James.	Tarwater.
Johnson	Thomas.
of Anderson.	Townsend.
Jones of Runnels.	Van Zandt.
Lemens.	Vaughan.
Lindsey.	West.
Lotief.	Winningham.
Magee.	

## Nays—64

Anderson	McClain.
of Bexar.	McCullough.
Barron.	McDougald.
Beck.	McGregor.
Bradley.	McKee.
Cathey.	Moore.
Clayton.	Morse.
Cowley.	Nicholson.
Crossley.	Parkhouse.
Devall.	Patterson.
Dunlap.	Pavlica.
Dunagan.	Ramsey.
Duvall.	Ray.
Griffith.	Reader.
Hankamer.	Reed of Bowie.
Hartzog.	Reed of Dallas.
Hicks.	Renfro.
Hill of Webb.	Russell.
Holekamp.	Scarborough.
Holland.	Shannon.
Holloway.	Smith.
Hoskins.	Steward.
Hyder.	Stinson.
Jefferson.	Tennyson.
Jones of Atascosa.	Tillery.
Jones of Shelby.	Turlington.
Kyle of Hays.	Wagstaff.
Kyle of Palo Pinto.	Walker.
Laird.	Weinert.
Latham.	Wells.
Long.	Wood.
Mackay.	Young.
Mathis.	

## Present—Not Voting

Glass.

## Absent

Butler.	Kayton.
Colson.	Leonard.
Engelhard.	Mitcham.
Ford.	Pope.
Fuchs.	Roberts.
Jackson.	Savage.

## Absent—Excused

Hill of Brazoria.	Johnson
	of Dimmit.

Mr. Vaughan moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

Question recurring on the motion to table, it prevailed by the following vote:

## Yeas—72

Adamson.	Hughes.
Aikin.	James.
Alexander.	Johnson
Alsup.	of Anderson.
Anderson	Jones of Runnels.
of Johnson.	Jones of Shelby.
Baker.	Lemens.
Barrett.	Lindsey.
Bedford.	Lotief.
Bourne.	Magee.
Bradley.	McKee.
Burns.	Metcalf.
Calvert.	Mitcham.
Camp.	Moffett.
Canon.	Morrison.
Caven.	Munson.
Clayton.	Palmer.
Coombes.	Puryear.
Daniel.	Riddle.
Davidson.	Rogers of Hunt.
Dean.	Rogers
Fain.	of Ochiltree.
Few.	Rollins.
Fisher.	Ross.
Glass.	Scott.
Golson.	Shults.
Goodman.	Stanfield.
Graves.	Stovall.
Greathouse.	Tarwater.
Haag.	Thomas.
Harman.	Townsend.
Harris.	Van Zandt.
Harrison.	Vaughan.
Head.	Weinert.
Hester.	West.
Hicks.	Wood.
Hodges.	Young.
Huddleston.	

## Nays—53

Anderson	Beck.
of Bexar.	Cathey.
Barron.	Cowley.



Crossley.	Nicholson.
Devall.	Parkhouse.
Dunlap.	Patterson.
Dunagan.	Pavlica.
Griffith.	Ratliff.
Hankamer.	Ray.
Hill of Webb.	Reader.
Holekamp.	Reed of Bowie.
Holland.	Reed of Dallas.
Hunt.	Renfro.
Hyder.	Russell.
Jefferson.	Scarborough.
Kyle of Hays.	Shannon.
Kyle of Palo Pinto.	Smith.
Laird.	Steward.
Latham.	Stinson.
Long.	Sullivant.
Mackay.	Tennyson.
Mathis.	Tillery.
McClain.	Turlington.
McCullough.	Wagstaff.
McDougald.	Walker.
Moore.	Wells.
Morse.	Winningham.

## Present—Not Voting

Jones of Atascosa.

## Absent

Butler.	Hoskins.
Chastain.	Jackson.
Colson.	Kayton.
Duvall.	Leonard.
Dwyer.	McGregor.
Engelhard.	Merritt.
Ford.	Pope.
Fuchs.	Ramsey.
Good.	Roberts.
Hartzog.	Savage.
Holloway.	

## Absent—Excused

Hill of Brazoria.	Johnson
	of Dimmit.

Mr. Vaughan moved that the bill be re-committed to the Committee on Judiciary, and that it be rewritten in accordance with the amendment adopted by the House.

Mr. Van Zandt moved that the bill be laid on the table subject to call.

Question first recurring on the motion of Mr. Van Zandt, it prevailed by the following vote:

## Yeas—68

Aikin.	Chastain.
Anderson	Coombes.
of Johnson.	Cowley.
Baker.	Crossley.
Barrett.	Davidson.
Burns.	Dean.
Canon.	Devall.
Caven.	Engelhard.

Fain.	Palmer.
Few.	Pope.
Fisher.	Puryear.
Ford.	Ratliff.
Fuchs.	Ray.
Griffith.	Reader.
Haag.	Renfro.
Harris.	Rogers of Hunt.
Hester.	Rogers
Hicks.	of Ochiltree.
Hodges.	Rollins.
Holland.	Ross.
Huddleston.	Shults.
Hunt.	Stanfield.
Jackson.	Steward.
Jefferson.	Stovall.
Johnson	Sullivant.
of Anderson.	Tennyson.
Jones of Runnels.	Thomas.
Jones of Shelby.	Tillery.
Lemens.	Townsend.
Lindsey.	Van Zandt.
Lotief.	Vaughan.
Merritt.	Weinert.
Metcalf.	Winningham.
Moffett.	Wood.
Morrison.	Young.
Munson.	

## Nays—58

Alexander.	Latham.
Alsup.	Long.
Barron.	Magee.
Beck.	Mackay.
Bedford.	Mathis.
Bourne.	McCullough.
Bradley.	McDougald.
Calvert.	McGregor.
Cathey.	McKee.
Clayton.	Mitcham.
Daniel.	Moore.
Dunagan.	Morse.
Duvall.	Nicholson.
Glass.	Parkhouse.
Goodman.	Patterson.
Greathouse.	Pavlica.
Hankamer.	Reed of Bowie.
Harman.	Reed of Dallas.
Harrison.	Russell.
Head.	Savage.
Hill of Webb.	Scarborough.
Holekamp.	Scott.
Hughes.	Shannon.
Hyder.	Smith.
James.	Tarwater.
Kayton.	Turlington.
Kyle of Hays.	Wagstaff.
Kyle of Palo Pinto.	Walker.
Laird.	Wells.

## Present—Not Voting

Camp.

## Absent

Adamson.	Butler.
Anderson	Colson.
of Bexar.	Dunlap.

Dwyer. Leonard.  
Golson. McClain.  
Good. Ramsey.  
Graves. Riddle.  
Hartzog. Roberts.  
Holloway. Stinson.  
Hoskins. West.  
Jones of Atascosa.

## Absent—Excused

Hill of Brazoria. Johnson  
of Dimmit.

## MESSAGE FROM THE SENATE

Senate Chamber,  
Austin, Texas, March 28, 1933.  
Hon. Coke Stevenson, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate  
to inform the House that the Senate  
has passed

H. B. No. 490, A bill to be entitled  
"An Act providing for the disposi-  
tion of fees of office and setting the  
maximum for precinct, county, and  
district officers in certain counties;  
providing that if any part of this Act  
is held unconstitutional, it shall not  
affect the remaining part of the Act;  
repealing all laws in conflict here-  
with, and fixing the effective date  
of the bill; and declaring an emer-  
gency." (With amendments.)

H. B. No. 169, A bill to be entitled  
"An Act making appropriations to  
pay the salaries of officers and em-  
ployes of certain eleemosynary insti-  
tutions of the State and other ex-  
penses of maintaining and conduct-  
ing them for the two fiscal years,  
September 1, 1933, to August 31, 1935,  
inclusive, etc.; and declaring an emer-  
gency." (With amendments.)

Respectfully,  
BOB BARKER,  
Secretary of the Senate.

HOUSE BILL NO. 490 WITH SEN-  
ATE AMENDMENTS

Mr. Anderson of Bexar called up  
from the Speaker's table, with Senate  
amendments, for consideration of the  
amendments,

H. B. No. 490, A bill to be entitled  
"An Act providing for the disposi-  
tion of fees of office and setting the  
maximum for precinct, county, and  
district officers in certain counties;  
providing that if any part of this  
Act is held unconstitutional, it shall  
not affect the remaining part of the

Act; repealing all laws in conflict  
herewith, and fixing the effective  
date of the bill; and declaring an  
emergency."

The Speaker laid the bill before the  
House, with the Senate amendments.

Mr. Anderson of Bexar moved that  
the House concur in the Senate amend-  
ments.

Mr. Parkhouse moved that the  
House do not concur in the Senate  
amendments, and that a conference  
committee be requested to adjust the  
differences between the two Houses on  
the bill.

Question first recurring on the mo-  
tion by Mr. Parkhouse, it prevailed  
by the following vote:

## Yeas—41

Anderson	Latham.
of Johnson.	Lemens.
Burns.	Magee.
Canon.	Mathis.
Caven.	McDougald.
Coombes.	Moffett.
Davidson.	Moore.
Dunagan.	Morse.
Duvall.	Palmer.
Golson.	Parkhouse.
Good.	Ratliff.
Goodman.	Ray.
Graves.	Reed of Bowie.
Haag.	Reed of Dallas.
Hankamer.	Rogers
Hodges.	of Ochiltree.
Holloway.	Shannon.
Hughes.	Shults.
Jackson.	Steward.
James.	Stinson.
Jefferson.	Weinert.
Jones of Shelby.	

## Nays—24

Anderson	McClain.
of Bexar.	McCullough.
Bourne.	McGregor.
Bradley.	Pavlica.
Crossley.	Rogers of Hunt.
Few.	Savage.
Fisher.	Stovall.
Harrison.	Tillery.
Hester.	Vaughan.
Holekamp.	Wagstaff.
Holland.	West.
Huddleston.	Winningham.
Kayton.	

## Present—Not Voting

Adamson.	Barron.
Aikin.	Beck.
Alexander.	Bedford.
Alsup.	Calvert.
Baker.	Chastain.
Barrett.	Cowley.

Daniel.	Mitcham.
Dean.	Munson.
Devall.	Nicholson.
Engelhard.	Patterson.
Fain.	Pope.
Ford.	Purveyer.
Fuchs.	Renfro.
Glass.	Riddle.
Greathouse.	Rollins.
Harris.	Ross.
Head.	Russell.
Hill of Webb.	Scott.
Hoskins.	Smith.
Hunt.	Stanfield.
Hyder.	Sullivant.
Johnson	Tarwater.
of Anderson.	Tennyson.
Jones of Atascosa.	Thomas.
Kyle of Hays.	Townsend.
Lindsey.	Turlington.
Lotief.	Walker.
Mackay.	Wells.
McKee.	Wood.
Merritt.	Young.
Metcalfe.	

## Absent

Butler.	Jones of Runnels.
Camp.	Kyle of Palo Pinto.
Cathey.	Laird.
Clayton.	Leonard.
Colson.	Long.
Dunlap.	Morrison.
Dwyer.	Ramsey.
Griffith.	Reader.
Harman.	Roberts.
Hartzog.	Scarborough.
Hicks.	Van Zandt.

## Absent—Excused

Hill of Brazoria.	Johnson
	of Dimmit.

## NOTICES GIVEN

Mr. Morse gave notice that he would, on tomorrow, move to take up, for consideration at that time, House Bill No. 447, which bill had heretofore been laid on the table subject to call.

Mr. Greathouse gave notice that he would, on the next Legislative day, move to take up, for consideration at that time, House Bill No. 791, which bill had heretofore been laid on the table subject to call.

## BILL LAID ON THE TABLE SUBJECT TO CALL

On motion of Mr. Lindsey, House Bill No. 649 was laid on the table subject to call.

Mr. Patterson moved that the House adjourn until 4:08 o'clock p. m., Tuesday, March 28.

The motion was lost.

## CONFERENCE COMMITTEE ON HOUSE BILL NO. 490

The Speaker announced the appointment of the following conference committee on House Bill No. 490: Mr. Anderson of Bexar, Mrs. Hughes, Messrs. Parkhouse, Reader, and Kayton.

## HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Riddle, Mr. Aikin, Mr. Hester, Mr. Jones of Shelby, and Mr. Turlington:

H. B. No. 856, A bill to be entitled "An Act to amend Acts, 1932, Forty-second Legislature, Third Called Session, page 15, Chapter 13, Section 6, relating to the allocation of funds from the gasoline tax, so as to increase the amount allotted to the Available Public School Fund; and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Engelhard, Mr. Hoskins, Mr. Mackay, Mr. Daniel, and Mr. Kyle of Palo Pinto:

H. B. No. 857, A bill to be entitled "An Act relating to motor vehicles operated upon the public highways; requiring all motor vehicles operated upon the highways to be equipped with adequate brakes; requiring all semi-trailers, or trailers, operated in connection with motor vehicles, to be equipped with brakes; regulating the method of applying brakes; setting up regulations to govern the use and application of brakes, and providing a penalty."

Referred to Committee on Highways and Motor Traffic.

By Mr. Chastain:

H. B. No. 858, A bill to be entitled "An Act to amend Section 1, of Article 911-b, as enacted by Acts, 1929, Forty-first Legislature, page 698, Chapter 314, as amended by Acts, 1931, Forty-second Legislature, page 480, Chapter 277, Section 1, so as to provide that the term 'contract carrier' shall not apply to those transporting agricultural, etc., products to market; and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Russell, Mr. Holloway, and Mr. Coombes:

H. B. No. 859, A bill to be entitled "An Act to repeal Article 6014, Revised Civil Statutes, 1925, of the State of Texas, Chapter 313, Acts of Regular Session of the Forty-first Legislature, of the State of Texas, Chapter 26, Acts of the First Called Session of the Forty-second Legislature, of the State of Texas, and Chapter 2, Acts of the Fourth Called Session of the Forty-second Legislature, of the State of Texas; and declaring an emergency."

Referred to Committee on Oil, Gas, and Mining.

By Mr. Wells and Mr. Engelhard:

H. B. No. 860, A bill to be entitled "An Act giving jurisdiction to the district courts of Travis County to herein determine certain claims against the State, and certain claims by the State against claimants; providing that the jurisdiction of such courts shall not extend to or include claims growing out of destruction of property, or damage done, by the military or naval forces of the United States or of the State of Texas; providing for judgment being rendered and giving effect thereto, etc."

Referred to Committee on Judiciary.

By Mr. Tarwater:

H. B. No. 861, A bill to be entitled "An Act ratifying and confirming a compact entered into by and between representatives of the State of Texas and the State of New Mexico, authorized by Act of the Regular Session of the Forty-second Legislature, and approved by the Governor on May 27, 1931, as shown in Chapter 251, Acts of the Forty-second Legislature."

Referred to Committee on Education.

By Mr. Russell (by request):

H. B. No. 862, A bill to be entitled "An Act of the Legislature of the State of Texas, transferring the jurisdiction of the County Court of Titus County, Texas, for civil purposes, to the District Court of Titus County, Texas, not disturbing the jurisdiction of said County Court for criminal and probate purposes."

Referred to Committee on Judiciary.

By Mr. Kayton (by request):

H. B. No. 863, A bill to be entitled "An Act providing for rural aid in

common school and independent school districts of a certain size in the State of Texas, and making an appropriation therefor; and declaring an emergency."

Referred to Committee on Appropriations.

### ADJOURNMENT

On motion of Mr. Moore, the House, at 4:15 o'clock p. m., adjourned until 9:30 o'clock a. m., Wednesday, March 29.

### APPENDIX

#### STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolutions, as follows:

Education: House Bill No. 650.

Revenue and Taxation: House Bills Nos. 616 and 709.

Judiciary: House Bill No. 852.

Constitutional Amendments: Senate Joint Resolution No. 11.

State Affairs: House Concurrent Resolutions Nos. 45 and 46.

The following committees have filed adverse reports on bills, as follows:

Judiciary: House Bills Nos. 665 and 543; and Senate Bill No. 372.

Revenue and Taxation: House Bills Nos. 448 and 214.

The Committee on Revenue and Taxation filed an adverse report, with a minority favorable report, on House Bill No. 146.

The Committee on Municipal and Private Corporations filed an adverse report, with a minority favorable report, on House Bill No. 611.

#### REPORT OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,

Austin, Texas, March 28, 1933.

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 327, "An Act amending Chapter 69, of the Acts of the Forty-second Legislature, Regular Session, providing for the taking of catfish, perch, buffalo, and drum, in the waters of Delta, Hopkins, Franklin, and Grayson Counties, by hand, or with a seine having meshes one (1) inch square; and declaring an emergency,"

Has carefully compared same, and finds it correctly enrolled.

GOOD, Acting Chairman.

# In Honor of the Eighty-first Birthday of the Hon. J. L. Goodman of Robertson County

Mr. Anderson of Johnson, Mr. Head, Mr. James, Mr. Stovall, Mr. Tennyson, Mr. Metcalfe, and Mr. Moffett offered the following resolution:

Whereas, Out of the dim shadows of a half century and three decades marches the proud figure of a distinguished statesman and immortal Democrat whose every year has been characterized by the fruitfulness of public service and the benevolence of brotherly love; and

Whereas, In this twilight era of an incomparable career, this distinguished American is yet serving his country in the legislative halls of the State of Texas with honor, and with credit, with nobleness of purpose, and with unceasing activity, dedicated to the greater benefit of the common welfare; and

Whereas, This immortal statesman stands poised on the brink of a new decade, and yet holds in singular triumph the lighted taper of American liberty, the gorgeous ensign of American democracy, and the starlit standard of the American Nation; and

Whereas, God has rendered man incapable of adequately expressing to this distinguished gentlemen the heartfelt and sincere appreciation of a County, State, and Nation, but must of necessity submit to the simplicity of silent admiration in paying our supreme respect and tribute to one of the most noble sons of Texas; now, therefore, be it

Resolved by the House of Representatives of the Forty-third Legislature, That the Members of the House express to Hon. J. L. Goodman its earnest and sincere congratulations on his eighty-first birthday, March 26, 1933, and further express its genuine appreciation, both as individual Legislators and as Representatives of the entire populace of Texas, for his many years of useful service, and for his devoted efforts directed toward securing in Texas a more desirable government, and of making this State a more perfect place in which each of us may seek the ultimate realization of liberty, happiness, and contentment; and be it further

Resolved, That Hon. J. L. Goodman be escorted to the Speaker's stand by a committee to be appointed by the Speaker, and there be presented with a gift, expressing in the unspoken syllables of a token of our admiration for his life of usefulness and our appreciation for his worthy labors; and, be it further

Resolved, That when the Legislature stands adjourned on this day, it shall be in honor of Hon. J. L. Goodman, and in celebration of his birthday, and that a page of the Journal be dedicated in his honor, and that we humbly invoke the blessings of God upon our distinguished associate, and sincerely trust that the succeeding years of his life be forever marked by fleeting hours of happiness and serene content.

The resolution was read second time.

On motion of Mr. Vaughan, the name of each Member of the House was added to the resolution as signers of the resolution:

Signed—Stevenson, Speaker; Adamson, Aikin, Alexander, Alsup, Anderson of Bexar, Baker, Barrett, Barron, Beck, Bedford, Bourne, Bradley, Burns, Butler, Calvert, Camp, Canon, Cathey, Caven, Chastain, Clayton, Colson, Coombes, Cowley, Crossley, Daniel, Dean, Davidson, Devall, Dunagan, Dunlap, Duvall, Dwyer, Engelhard, Fain, Few, Fisher, Ford, Fuchs, Glass, Golson, Good, Graves, Greathouse, Griffith, Haag, Hankamer, Harman, Harris, Harrison, Hartzog, Hester, Hicks, Hill of Brazoria, Hill of Webb, Hodges, Holekamp, Holland, Holloway, Hoskins, Huddleston, Hughes, Hunt, Hyder, Jackson, Jefferson, Johnson of Anderson, Johnson of Dimmit, Jones of Atascosa, Jones of Runnels, Jones of Shelby, Kayton, Kyle of Hays, Kyle of Palo Pinto, Laird, Latham, Lemens, Leonard, Lindsey, Long, Lotief, Mackay, Magee, Mathis, McClain, McCullough, McDougald, McGregor, McKee, Merritt, Mitcham, Moore, Morrison, Morse, Munson, Nicholson, Palmer, Parkhouse, Patterson, Pawlica, Pope, Furyear, Ramsey, Ratliff, Ray, Reader, Reed of Bowie, Reed of Dallas, Renfro, Riddle, Roberts, Rogers of Hunt, Rogers of Ochiltree, Rollins, Ross, Russell, Savage, Scarborough, Scott, Shannon, Shults, Smith, Stanfield, Steward, Stinson, Sullivant, Tarwater, Thomas, Tillery, Townsend, Turlington, Van Zandt, Vaughan, Wagstaff, Walker, Weinert, Wells, West, Winningham, Wood, Young.

The resolution was then adopted unanimously by a rising vote.

The Speaker announced the appointment of the following committee to escort Judge Goodman to the Speaker's stand: Messrs. Anderson of Johnson, Stovall, James, Head, Tennyson, Weinert, Moffett, and Fisher.

On motion of Mr. Haag, Miss Verna Goodman was invited to a seat on the Speaker's stand.

The committee having performed its duty, Speaker Stevenson, on behalf of the Members of the House, presented Hon. J. L. Goodman with a white gold watch, engraved as follows:

J. L. Goodman  
81 years old  
In Token of High Esteem  
from  
Forty-third Legislature  
March 26, 1933

Judge Goodman then addressed the House, expressing appreciation to the Members.